

VETO MESSAGE ON HB 2791.E

March 20, 1998

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Engrossed House Bill No. 2791 entitled:

"AN ACT Relating to methamphetamine;"

Section 1 of EHB 2791 defines as a "strike," under the Persistent Offender Accountability Act, the manufacture or possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine, when that crime occurs in or near a residence where a minor or pregnant woman resides. As I noted in vetoing a similar provision last year, we should not stray from the original intent of the three strikes law; the "strike" category should be reserved for the most serious violent and sex offenses, not for drug offenses. As dangerous as "meth labs" are, making possession of constituent chemicals a "strike" does little to protect public safety and opens the door to future inappropriate expansion of the "strike" list to other nonviolent conduct.

In addition, section 1 of EHB 2791 would not make it a "strike" to operate a "meth lab," only to possess the precursor chemicals from which methamphetamine is made with intent to use them for that purpose. Someone who is starting up a "meth lab" would be committing a "strike," while someone closing it down after producing the drug would not be. Moreover, it would be very difficult years from now, when offenders might be subject to life sentences on the third "strike," to identify the past cases in which a child or pregnant woman may have been present.

Representatives of law enforcement organizations have urged caution against the tendency to overreact with bills about crime. They believe it is more effective, and does more for public safety, to increase sentences for specific crimes in a measured, proportional way. That is what I proposed to the Legislature and signed into law today: House Bill No. 2628, doubling the standard sentence range for manufacturing methamphetamine.

For these reasons, I have vetoed section 1 of Engrossed House Bill No. 2791. With the exception of section 1, I am approving Engrossed House Bill No. 2791.

Respectfully submitted,
Gary Locke
Governor